

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - #84065  
rvannest@kvn.com  
CHRISTA M. ANDERSON - #184325  
canderson@kvn.com  
633 Battery Street  
San Francisco, CA 94111-1809  
Telephone: 415.391.5400  
Facsimile: 415.397.7188

KING & SPALDING LLP  
DONALD F. ZIMMER, JR. - #112279  
fzimmer@kslaw.com  
CHERYL A. SABNIS - #224323  
csabnis@kslaw.com  
101 Second St., Suite 2300  
San Francisco, CA 94105  
Telephone: 415.318.1200  
Facsimile: 415.318.1300

KING & SPALDING LLP  
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)  
sweingaertner@kslaw.com  
ROBERT F. PERRY  
rperry@kslaw.com  
BRUCE W. BABER (*Pro Hac Vice*)  
1185 Avenue of the Americas  
New York, NY 10036  
Telephone: 212.556.2100  
Facsimile: 212.556.2222

GREENBERG TRAURIG, LLP  
IAN C. BALLON - #141819  
ballon@gtlaw.com  
HEATHER MEEKER - #172148  
meekerh@gtlaw.com  
1900 University Avenue  
East Palo Alto, CA 94303  
Telephone: 650.328.8500  
Facsimile: 650.328.8508

Attorneys for Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.,  
  
Defendant.

Case No. 3:10-cv-03561-WHA

**REPLY DECLARATION OF  
MICHAEL S. KWUN IN SUPPORT OF  
DEFENDANT GOOGLE INC.'S MOTION  
FOR SUMMARY JUDGMENT ON  
COUNT VIII OF PLAINTIFF ORACLE  
AMERICA'S AMENDED COMPLAINT**

Judge: Hon. William Alsup

Hearing: 2:00 p.m., September 15, 2011

I, Michael S. Kwun, declare as follows:

1. I am the same Michael S. Kwun who submitted an August 1, 2011 Declaration in support of Defendant Google Inc.'s Motion for Summary Judgment on Count VIII of Plaintiff Oracle America, Inc.'s Amended Complaint. I submit this reply declaration in support of Defendant Google Inc.'s Motion for Summary Judgment on Count VIII of Plaintiff Oracle America, Inc.'s Amended Complaint. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto are true and correct copies of the following documents (for ease of reference, I will not reuse exhibit letters that I used in my prior declaration):

Exhibit EE. An August 1, 2011 press release from Oracle, titled "Oracle Announces Availability of Java SE 7," printed from the URL <http://emeapressoffice.oracle.com/Press-Releases/Oracle-Announces-Availability-of-Java-SE-7-207d.aspx>.

Exhibit FF. A document titled "Frequently Asked Questions," printed from the URL <http://source.android.com/faqs.html>.

Exhibit GG. The May 27, 1999 Opening Appellate Brief filed by Connectix Corp. in *Sony Computer Entm't, Inc. v. Connectix Corp.*, No. 99-15852 (9th Cir.), as downloaded from Westlaw.

I declare under penalty of perjury that the foregoing facts are true and correct.

Executed on August 29, 2011 in San Francisco, California.

/s/ Michael S. Kwun  
Michael S. Kwun